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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/699,902	11/03/2003	Frank Eidam	BGEE 2 00025	4386

27885 7590 11/09/2006

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EXAMINER

BRITTAIN, JAMES R

ART UNIT

PAPER NUMBER

3677

DATE MAILED: 11/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action  
Before the Filing of an Appeal Brief**

Application No.

10/699,902

Applicant(s)

EIDAM, FRANK

Examiner

James R. Brittain

Art Unit

3677

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 30 October 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.  
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**NOTICE OF APPEAL**

2. ☐ The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

**AMENDMENTS**

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because  
(a) ☒ They raise new issues that would require further consideration and/or search (see NOTE below);  
(b) ☐ They raise the issue of new matter (see NOTE below);  
(c) ☒ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See Continuation Sheet. (See 37 CFR 1.116 and 41.33(a)).

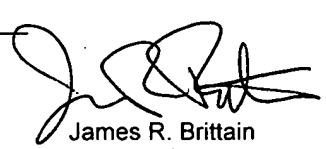
4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).  
5. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.  
6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  
The status of the claim(s) is (or will be) as follows:  
Claim(s) allowed: \_\_\_\_\_.  
Claim(s) objected to: \_\_\_\_\_.  
Claim(s) rejected: 1,3-7,9,11-14,32-40 and 64-68.  
Claim(s) withdrawn from consideration: 16-31 and 41-63.

**AFFIDAVIT OR OTHER EVIDENCE**

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).  
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

**REQUEST FOR RECONSIDERATION/OTHER**

11. ☐ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: \_\_\_\_\_.  
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). \_\_\_\_\_  
13. ☐ Other: \_\_\_\_\_

  
James R. Brittain  
Primary Examiner  
Art Unit: 3677

Continuation of 3. NOTE: Applicant's amendments to claim 1 defining "a first" angle "before Installation" and a "second angle" "after installation" for both the outer circumferentially continuous edge zone and the inner circumferentially interrupted engagement zone with "said first angle of said outer closed edge zone being substantially the same as said first angle of said radially inner circumferentially interrupted engagement zone before installation and said second angle of said outer closed edge zone being different from said second angle of said radially inner circumferentially interrupted engagement zone after installation" define material limitations that are new issues clouding the scope of the claim because it is unclear whether the claim is drawn to a locking ring prior to installation or a locking ring that is installed and therefore does not clarify the scope of the claims under 35 U.S.C. 112, second paragraph. These limitations were not presented before and are new issues. The rejection under 35 U.S.C. 112, second paragraph of the claims under final rejection would be obviated with removal of those process limitations indicating that after installation a region is permanently plastically deformed. The further amendments to claims 3-6 are also new issues as they require careful checking of the claim language and are of different scope than that under final rejection through their dependence on claim 1 that introduces for the first time the various angles. The positive recitation of the process step "said locking ring having a first inside diameter before installation and a second inside diameter after installation, said first inside diameter greater than said second inside diameter" found in claim 7 is a new issue as it was not presented before. Claims 9 similarly to claim 1 presents new issues by now defining several "first" and "second" angles for both "before" and "after" installation, ties the angular range to one of the newly defined angles and similarly to claim 7 defines inside diameters of the locking ring before and after installations and these are new issues for similar reasons to those indicated above. Claims 11-13 similarly include new issues as they require careful checking of the claim language and are of different scope than that under final rejection through their dependence on claim 9 that introduces the various angles. The indication in claim 32 that "said angle of said outer closed edge zone being substantially the same as said angle of said radially inner circumferentially interrupted engagement zone before installation and said angle of said outer closed edge zone being different from said angle of said radially inner circumferentially interrupted engagement zone after installation" is a new issue that wasn't presented before and requires further consideration with respect to the scope of the claim under 35 U.S.C. 112, second paragraph for reasons similar to claims 1 and 9 above. Further the indication that "said locking ring having a first inside diameter before installation and a second inside diameter after installation, said first inside diameter is different from said second inside diameter" found in claim 9 is also a new issue as it was not presented before. The limitations "said angle of said outer closed edge zone changing from a first angle to a second angle during installation of said locking ring, said angle of said radially inner zone permanently changing from said first angle to a third angle during installation of said locking ring; and, said locking ring having a first diameter before installation and a second diameter after installation, said first diameter is different from said second diameter" found in claim 64 is a new issue that wasn't presented before and requires further consideration with respect to the scope of the claim under 35 U.S.C. 112, second paragraph for reasons similar to claims 1 and 9 above. Claims 65-68 similarly include new issues as they require careful checking of the claim language and are of different scope than that under final rejection through their dependence on claim 64 that introduces the various angles.